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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	Criminal Case No. CR 07-00108-JF
	)	
Plaintiff,	)	
	)	STIPULATION OF PARTIES
	)	FOR CONTINUANCE OF
v.	)	SENTENCING HEARING
	)	AND <del>[PROPOSED]</del> ORDER
MARK FARIS,	)	
	)	San Jose Venue
Defendant.	)	

With the agreement of the parties, and with the consent of the defendant Mark Faris (“Faris”), the Court enters this order (1) vacating the sentencing hearing for defendant Faris, now set for March 25, 2009 at 9:00 a.m.; and (2) setting a new sentencing hearing for the defendant Faris for May 6, 2009 at 9:00 a.m. The parties agree, and the Court finds and holds, as follows:

1. Mark Faris, entered his guilty plea to Conspiracy to Commit Mail Fraud and Wire Fraud, in violation of 18 U.S.C. §§ 371 and 2, a Class D Felony; and Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. §§ 1956(h) and 2, a Class C Felony. The guilty pleas were entered on October 8, 2008, pursuant to a cooperation plea agreement with the Government.

2. Mark Faris testified during the Government's case-in-chief in the jury trial of ,  
Stephen Duane Chicoine that began on December 5, 2008.

3. Because it is anticipated that the Government will request a downward departure  
in the sentencing of Mark Faris based upon his cooperation with the Government  
and in light of his testimony at trial, additional time is necessary for the final  
recommendation to be approved and submitted to this Court.

4. Counsel for the defendant, John Williams, Esq., and Assistant U.S. Attorney  
Richard Cheng have agreed to jointly stipulate to a continuance of defendant Faris'  
sentencing hearing to May 9, 2009, and recommends that date to this Court for the  
continued sentencing .

SO STIPULATED.

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: \_\_\_\_\_

/s/

\_\_\_\_\_  
RICHARD C. CHENG  
Assistant U.S. Attorney

DATED: \_\_\_\_\_

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JOHN WILLIAMS, ESQ.  
Attorney for Defendant

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Criminal Case No. CR 07-00108-JF
	)	
Plaintiff,	)	
	)	ORDER
	)	
v.	)	
	)	
MARK FARIS,	)	
	)	
Defendant.	)	
_____	)	

For the reasons stated in the parties Stipulation To Continue Sentencing, and for good cause shown, the Court vacates the March 25, 2009 sentencing date with respect to the defendant Mark Faris, and sets a new sentencing date of May 9, 2009, at 9:00 a.m.

DATED: 3/25/09

  
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HON. JEREMY FOGEL  
United States District Judge